



RISK MANAGEMENT PLANS DUE FOR RESUBMISSION

In 1996, EPA established a list of extremely hazardous substances (EHS) and issued regulations for the prevention and mitigation of accidental releases of those substances under section 112@ of the Clean Air Act. Facilities covered by regulations are required to implement a risk management program and submit a description of the program (called a risk management plan or RMP) to EPA.

If certain process changes occur at the facility before the 5-year anniversary of the RMP, the RMP must be updated and resubmitted before those changes are made. The 5-year anniversary date is reset whenever the RMP is fully updated and resubmitted.

In July 2003, EPA proposed to amend RMP reporting requirements, including the addition of several new data elements. The final rule will be issued soon, followed by the new version of *RMP*Submit*, EPA's software for RMP submission. The new version is estimated to be available sometime this month.

For the 5-year update and resubmission, all nine sections of the RMP are to be reviewed, updated and certified as true, accurate and complete. Under Section 1, ensure that the registration information is up-to-date and remember that "facility location address" cannot be a post office or rural box number. Latitude and longitude coordinates must be verified through the use of global positioning

system receivers, U.S. Geological Survey topographic maps, or web-based siting tools. Lastly, since the North American Industry Classification System (NAICS) was revised in 2002, check whether the NAICS code reported for covered processes is still valid. The NAICS codes for construction and wholesale trade have been revised along with a number of other codes. The Census Bureau maintains a Web Site with a list of the 2002 NAICS Codes.

Sections 2 through 5 state that the off-site consequence analyses (OCA) should be reviewed to determine whether the parameters and assumptions are still valid, and the data used to estimate the population and environmental receptors should be reviewed and updated.

Accident history needs to be updated to include any accidental releases that occurred over the past 5 years from a covered process, and which resulted in death, injury, or significant property damage under Section 6.

Sections 7 and 8 require that the most recent dates of prevention program activities be reported in the resubmission. In Section 9, the dates of the most recent review of your emergency response program and most recent training must be reported on the resubmission.

In addition to requirements for updating the RPM, regulations require that several aspects of the prevention and emergency response programs be implemented or reviewed. The implementation of these recurring requirements must be up-to-date. The following are some recurring highlights of requirements:

For Program 2, review and update hazard review once every five years.

For Program 3, update and revalidate process hazard analysis once every 5 years.

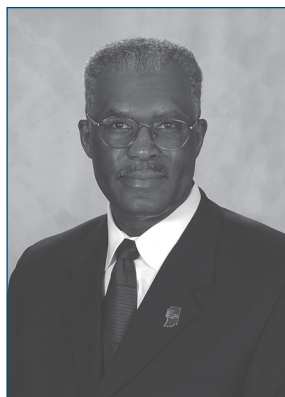
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CHAIRMAN'S CORNER

by

Luther J. Taylor, Sr., Chairman, Indiana Emergency Response Commission



This is the first Chairman's Corner for me since being named Executive Director of the Indiana State Emergency Management Agency (SEMA) and Department of Fire and Building Services (DFBS), by Governor Joe Kernan. It is a pleasure being here. I look forward to meeting you at Indiana Emergency Response Commission (IERC) meetings and at the annual conference in October.

For those of you who are unfamiliar with my background, I served 31 years on the South Bend Fire Department – the last 18 ½ as Chief. Prior to becoming Chief, I was appointed Battalion Chief of Suppression in 1980. While in this position, I implemented the South Bend Fire Department Hazardous Materials Team and served as the Hazardous Materials Coordinator in addition to my regular assignment of supervising fire-scene operations, daily operations, and company-level training.

I am well aware of the importance of Local Emergency Planning

Committees (LEPCs) in preparing their communities to face the hazards presented by chemical accidents. Thanks to all LEPC members for your dedication to public safety.

A big "thank you" to the Lake County LEPC for hosting the March 8th IERC meeting at the Lake County Conference Center in Hammond. Not only did members do a great job making everyone feel welcome, but they provided lunch to Commission members and attendees.

The IERC will be on the road again later this year. Plans call for the September 13th meeting to be hosted by the Ripley County LEPC in Friendship, Indiana.

The next meeting will be in Indianapolis on May 10th in the Indiana Government Center-South.

The IERC Annual Retreat was held at the Four Seasons in Nashville on April 23rd. Discussions included inactive LEPCs, increasing LEPC participation, homeland security issues, status of LEPC plans, and the annual fall conference. Look for details in the next **SERCULAR**.

I want to thank Lt. Colonel Joseph Marquart for making Response Commission members and Tippecanoe County LEPC members feel welcome during a tour of the Newport Chemical Depot. About 40 people took advantage of the opportunity get an

update on progress at the facility.

While the tour was in progress, practice was underway for the removal of Nerve Agent VX from its storage containers to start the destruction process. Operators will handle the material instead of using robots to remove it. That will speed up the process by about two years by eliminating the need to design a remote handling system.

As of press time, plans were on schedule to start neutralization at the end of July, 2004. Contingency plans were being made to store the by-product of the process (hydrolysate) on-site in case it is not allowed to be sent to processing plant in New Jersey. The process will take at least two years to complete.

While an accident is unlikely, we have to prepare for that eventuality. As a result, the annual Chemical Stockpile Emergency Preparedness Program (CSEPP) exercise was held in April. It involved the states of Indiana and Illinois as well as Fountain, Parke, and Vermillion counties in Indiana and Edgar and Vermilion counties in Illinois. In the exercise, the US Army and FEMA responded to the mock incident that threatened the Newport community.

Finally, I want to thank Pat Ralston for his seven years of service to SEMA/DFBS and the IERC and wish him well in his new venture.

'Til next issue.



LEGAL MATTERS

LEGAL ISSUES WITHOUT LEGALESE

by Brad Gavin, General Counsel for SEMA/DFBS

This column examines legal issues important to the Indiana Emergency Response Commission, Local Emergency Planning Committees, and emergency response organizations. The column's goals are to aid in understanding legal duties and to help solve legal problems before they arise. This column is informational only, and does not constitute legal advice.

How Local Emergency Planning Committees Qualify to Receive Funds From the Local Emergency Planning and Right-to-Know Fund



Local Emergency Planning Committees (LEPCs) play an important role in ensuring that the public and the environment are protected from accidental chemical releases. Under Title III of SARA (42 U.S.C. 11001 et seq.), each LEPC is charged

with developing an emergency response plan to deal with accidental chemical releases from SARA Title III facilities in its county and with making the chemical information submitted by those facilities available to the general public.

The Local Emergency Planning And Right-To-Know Fund (Fund) was established by the State of Indiana for the purpose of providing each LEPC with funds to help implement Title III of SARA. The money in this Fund is the result of fees imposed on facilities that are required to submit an emergency and hazardous chemical inventory form. In the year 2003, the Fund received approximately \$738,000 as a result of these fees.

Each year the Indiana Department of State Revenue distributes money from the Fund in accordance with an established formula. Ten percent of the monies are distributed to the Indiana Emergency Response Commission (IERC) to be used to enhance communication among LEPCs and between LEPCs and the IERC in order to strengthen joint hazardous material incident response capabilities. The remaining ninety percent of the monies is distributed to the counties for use by the LEPCs. Each LEPC receives a minimum of \$2,500, with the rest divided among the LEPCs, based on the number of facilities in each county.

However, the Indiana Department of State Revenue may distribute the money to a county only after receiving notice from the IERC that the LEPC for the county has met four specific requirements. These four requirements are to: (1) satisfy the requirements of SARA; (2) prepare and submit a roster to the IERC at least once each year; (3) meet at least two (2) times, on separate days, every six (6) months; and (4) prepare and submit a report to the IERC that describes the expenditures of LEPC in the preceding year that were paid for with money distributed from the Fund.

Approximately 36 (inactive LEPCs) of the 91 LEPCs did not meet all of these requirements in 2003, and were therefore not eligible to receive money from the Fund. The money that would have otherwise been distributed to these inactive LEPCs remains in the Fund and is divided among the LEPCs that did meet all of these requirements (active LEPCs).

LEPCs rely on the efforts of dedicated volunteers to fulfill their important charge to protect the public and the environment from accidental chemical spills. The Local Emergency Planning And Right-To-Know Fund was established to make funds available to LEPCs that are working to fulfill this charge. The Indiana Emergency Response Commission, the State Emergency Management Agency, and the LEPC Field Coordinators, in particular, are ready and willing to assist inactive LEPCs to allow them to fulfill this important charge and obtain the monetary assistance from the Fund that the LEPC is eligible to receive.

Do you have a legal question? Call Brad Gavin at (317) 233-4928, and it may become the basis of a future column.

EPA's LOCAL GOVERNMENTS REIMBURSEMENT PROGRAM

EPA's local governments reimbursement (LGR) program provides Federal funds to local governments for costs related to temporary emergency measures conducted in response to releases or threatened releases of hazardous substances. The program serves as a "safety net" to provide supplemental funding to local governments that do not have funds available to pay for these response actions. Eligible local governments may submit applications to EPA for reimbursement of up to \$25,000 per incident.

On February 18, 1998, EPA published a new regulation that simplifies and streamlines the process for applicants. EPA has designed the reimbursement process to be very straightforward. Local governments obtain and complete a simple application form, that requires a local government to provide basic information about the incident, document its response costs by attaching copies of receipts, and certify that certain program requirements have been met. An applicant may receive a reimbursement check from the federal government in as little as three months after EPA receives the application. Local governments can take action today to help ensure that they are eligible to participate in the program in the future.

EPA's LGR Program is just a telephone call away. If you have any questions about the program and how it works, you can call the Helpline at 800-431-9209, send an e-mail to Igr.epa@epa.gov, or visit the program's Web Site at www.epa.gov (enter "local governments reimbursement" into the search field).

Village of Downers Grove Reimbursed More Than \$21,500

On November 11, 2001, the Village Hall in Downers Grove, Illinois received a threatening letter that suggested that anthrax had been released into the village's water supply. The letter was opened by an employee of the Village Hall and contained a blue-ish white powdery substance, also suspected to be anthrax. The Police and Fire Departments responded and followed all protocols related to the handling of suspect substances. Water samples were drawn from 14 locations throughout the Village and were tested by a local firm. Samples and tests were also conducted on the substance found in the envelope containing the

threatening letter. All results came back negative.

No responsible parties were ever identified. The state informed the Village that they were not aware of any funding mechanism available to reimbursement emergency response to threatened releases of hazardous substances. The Village is also self-insured and therefore unable to recover costs from insurance.

The Village then requested reimbursement from the EPA's Local Government Reimbursement program for the costs associated with the testing of the water supply and the powder found in the envelope, as well as for overtime costs for the responders to secure the scene. The testing alone cost the Village over \$21,000.

The Village of Downers Grove submitted an application signed by the mayor with all appropriate documentation (i.e., copies of all invoices, overtime paysheets for the responders as well as their rate of pay). Downers Grove received reimbursement for \$21,502.50 in June 2002, for the cost of testing and overtime worked by the responders.

(Reprinted from *Chemical Emergency Preparedness & Prevention Update*, March, 2004).

WHAT IS AN OSC?

A key player On EPA's emergency response team is the On-Scene Coordinator, or OSC. OSCs are highly skilled men and women who conduct, direct, and coordinate emergency response actions and take whatever actions are necessary, consistent with Federal law, to remove the threat.

In every area/of the country, OSCs are on-call and ready to respond to hazardous substances releases and oil discharges 24 hours a day. When a release is discovered or reported, the OSC evaluates the situation and, if he or she determines that a federal response action is necessary, he or she works to eliminate the danger with state and local response teams' local police and firefighters, and/or other federal agencies. The OSC also will ensure that the public and business community are kept informed and that their concerns are considered throughout the response action. (Adopted from *Chemical Emergency Preparedness and Prevention Update*, March, 2004).

FIELD NOTES

by

Ian Ewusi-Wilson and Kathy Dayhoff-Dwyer



As we trek the state reviewing LEPC Emergency Plans, we have had several requests to provide an outline or guidance on the roles and responsibilities of the community emergency coordinator (CEC). Including the duties or

responsibilities of the CEC in the emergency plan enhances the SARA Title III requirement of designating a CEC in the plan. Here are some suggestions for these responsibilities in an emergency situation:

1. Contact the on-scene coordinator to assess an emergency situation
2. Establish logistics personnel to address an emergency situation
3. Activate the primary or alternate emergency operations center
4. Activate a countywide emergency communications system linking public and private response agencies
5. Activate the public warning system for evacuation purposes
6. Recommend to the county commissioners/officials that the county emergency plan be activated in the event of a local state of emergency

7. Facilitate overall incident management for the county
8. Facilitate news conference/media coverage of the incident
9. Assure appropriate recording of the incident through proper channels

Recognizing that each county is unique in its administrative procedures, we hope this guidance is not taken as gospel. Each county may modify this list to meet with its emergency planning needs.

Our new process for plan review involving the plan evaluation checklist and reviewing each plan on a one-on-one basis with the county's LEPC representative is ongoing. The feedback from the counties whose plans we have reviewed so far has been positive. Please contact your field representative to make arrangements for your plan review if you have not done so already.

Additionally, to help LEPCs inform facilities in their counties about chemical regulations, we have included a list of citation information for each chemical group.



Chemical Group	CFR Citation	Purpose	Law/Agency
Extremely hazardous substance	40 CFR Part 355	Emergency planning	SARA
Hazardous air pollutant	40 CFR Part 63	Protecting air	CAA
Hazardous chemical	29 CFR Part 1200	Informing workers	OSHA
	40 CFR Part 355	Informing citizens	SARA
Hazardous material	49 CFR Part 172	Shipping	DOT
Hazardous substance	40 CFR Part 302	Release notice	CERCLA
Hazardous waste	40 CFR Part 260	Protecting sanitary landfill	RCRA
Toxic chemical	40 CFR Part 372	Annual emissions	SARA
Toxic pollutant	40 CFR Part 401	Protecting surface water	CWA
Toxic substance	40 CFR Part 700	Manufacture and use	TSCA

Please visit the IERC website for additional information, and remember to call on your field representatives for assistance and with your issues and comments.

Local Health Departments and LEPCS: A Great Partnership

by

Dwayne Caldwell, REHS, Vanderburgh County Health Department

Health departments are now boldly going where we never have gone before. The appalling attacks on the World Trade Center and Pentagon, as well as the 2001 anthrax attacks, propelled public and environmental health agencies into the role of emergency response. Reading the after-action reports of these tragedies makes one fact shamefully clear: we were not ready. This is, in a sense, understandable. With small budgets and smaller staffs, most health departments are doing well to keep up with onsite inspections, restaurant complaints, and flu clinics. Performing the department's essential tasks left little time for working with emergency response.

That was then, but this is now. The present threat of weapons of mass destruction (including biologicals) being used by terrorists has made the knowledge and expertise of public and environmental health professionals invaluable in planning for and responding to such events. However, after taking part in numerous planning sessions, table-top exercises, and actual responses, I can state one fact with certainty: we are still not fully ready.

The two principal reasons for this are our lack of response knowledge and training and secondly, poor relationships with the traditional first-response community. Fortunately, the opportunity to improve both is available through our Local Emergency Planning Committees (LEPCs).

Created pursuant to SARA Title III after the 1984 disaster in Bhopal, India, LEPCs perform several important functions for their community and response agencies. The mission statement of the Vanderburgh County LEPC includes:

- Developing and maintaining a comprehensive emergency plan dealing with chemical releases
- Collecting and recording information regarding chemical releases
- Collecting, managing and providing public access to information regarding hazardous materials in their area
- Offering education to the public and to businesses about the risks from chemical releases

To accomplish these goals, a wide variety of skills and knowledge are needed. LEPC membership is

quite diverse and includes representatives from the following groups:

- Emergency Management
- Firefighting
- Law Enforcement
- Emergency Medical Services
- Transportation
- Business & Industry
- Elected Officials
- Media
- Health
- Transportation
- Community Organizations
- Environmental Organizations
- Hospitals

This may all sound well and good, but of what use is it to a health department struggling to adapt to this strange new world of threats from WMD and other challenges?

Regarding our first shortcoming, the lack of response knowledge, the LEPC is a rich source of training and information. Each local committee receives state funding for training and exercises to be held in their county. Training that would otherwise be too expensive or too time-consuming to attend is practically delivered to our door. Through my LEPC association, I have been able to attend trainings on hazmat and radiological response, emergency planning, and many other diverse subjects. In addition, I have gained many useful insights through the opportunity to attend both table-top and the more demanding full-scale exercises. During full-scale exercises, everyone arrives with all their trucks, guns and gear, and the event is played out in real time. The participants quickly learn which part of their plans work, which do not, and whom to call for assistance.

Although the majority of LEPC training is related to chemical emergency response, my involvement has also allowed me train on other topics with various agencies. I have had EMS first-responder training with the fire service, anti-terrorism training with law enforcement, and many other learning experiences

2004 SARA TITLE III CLASS SCHEDULE

The Indiana State Emergency Management Agency is again conducting Hazardous Materials training throughout the State of Indiana. These programs are funded by SARA Title III money, so participants may attend without registration fees. There are three different programs available in multiple locations. They include the following:

- A. Four 80-hour Hazmat Technician courses
- B. Six 16-hour Hazmat Technician Refresher courses
- C. Five 16-hour Decontamination courses

You may call to schedule your reservation in a class near you. Pre-registration is not mandatory, but is greatly appreciated, as all classes must have a minimum of 10 participants to be presented.

Although these courses were designed to assist the participants in achieving compliance with IOSHA Standard 29 CFR 1910.120 paragraph (q)(6)(i), (q)(6)(ii), (q)(6)(v), and paragraph (q)(7) respectively, along with SARA Title III, participants may receive in-service credit that may apply to current certifications in EMS, Law Enforcement, or the Indiana Firefighter Educational and/or Certification program.

To pre-register, please call Diversified Business Services at 219-345-3473 Monday through Friday, between 8:00 AM and 5:00 PM CST. All classes will be instructed by Diversified Business Services, Inc. instructors. All Diversified Business Services, Inc. instructors are State and/or Nationally certified/accredited instructors.

Additional information about the classes and locations can be obtained by calling us at the listed phone number and speaking to Debbie.

5679 East 989 North
DeMotte, Indiana 46310

Phone: 219-345-3473
Fax: 219-345-5673

Email: dbsinc@mchsi.com

LOCATION	HAZMAT TECH	DECON	TECH REF
Brazil			3/6 & 7
Elkhart	9/11, 12, 18, 19, 25, 26 & 10/2, 3, 9, 10	5/22 & 23	
Evansville			4/18 & 20
Evansville			4/19 & 21
Evansville			4/22 & 24
Frankfort	6/7-11 & 14-18		
Lawrenceburg		8/28 & 29	
Muncie		8/14 & 15	5/8 & 9
Princeton	6/5, 6, 12, 13, 19, 20, 26 27, & 7/10, 11		
South Bend			3/3 & 4
Sullivan			10/16 & 17
Terre Haute	4/5-9 & 12-16		
Wabash		8/21 & 22	

ALL CLASS TIMES ARE 8:00 AM TILL 4:00 PM LOCAL TIME

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For Additional Information Call 1-800-434-9974

PARTNERSHIP.....from page 6

that have enriched my own work in environmental health.

Relationships are critical to functioning properly in emergency response. During my early association with the LEPC and emergency management, I was almost constantly surprised by the misconceptions of what a health department is and is not. Assumptions regarding department abilities ranged from “all powerful” to “useless” with the average falling somewhere near “nice to have around but not terribly useful.” Most honest health department personnel will admit that we, in turn, were not well-versed in the operations of emergency services. It took time to educate our brother agencies and to show that we had valuable assets to bring to the table.

During this time I also learned how to fit into the response community. EMS, the fire service, and law enforcement can constitute a close-knit group. It can take time to learn the culture and the lingo. But now when the IC employs ICS, I report to the EOC at the EMA ASAP to find the RP for the EHS and run our CEMP. Joking aside, my relationship with the other members has produced many benefits. When an accident spills methyl-ethyl-killyouall into one of my creeks, I get a call from the fire service. If I need a badge and gun to accompany me to a complaint, that is not a problem.

Public and environmental health is at a cross-roads. We can continue on our present comfortable course, grumbling about our low salaries and status as we slide into irrelevance, or we can grasp the challenges of a changing world and realize the great potential of public and environmental health to contribute to the public’s health and safety in this new era of challenges.

For information on becoming involved in your LEPC, contact your local emergency management office or the Indiana Emergency Response Commission at <http://www.state.in.us/ierc/>

RMP.....from page 1

For Program 2 and 3 processes, verify that any recurring prevention program implementation requirements have been carried out.

Finally, it is required that the emergency response program be reviewed and updated, and employees notified of any changes.

EPA has available on its web site (www.epa.gov/ceppo) a fact sheet which provides more detail on resubmitting your RMP.

(Reprinted from Chemical Emergency Preparedness & Prevention Update, March, 2004)